

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
DN2003

First named inventor: David Anthony Naizer

Application No.: 10/724,409

Art Unit: 3672

Filed: 11/26/2003

Examiner: Thompson, Kenneth L.

Title: Well downhole liquid dispenser

Attention: Office of Petitions
Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee
☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))
2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
 the form of response to first Office Action of 27 July 2005 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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750.00 DP

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3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.


Signature

6 March 2007

Date

Aaron R. Clements

Typed or printed name

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Registration Number, if applicable

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Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

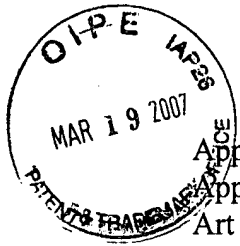
6 March 2007

Date


Signature

Aaron R. Clements

Typed or printed name of person signing certificate



Application Number: 10/724,409
Applicant: Naizer, et al.
Art Unit: 3672

RESPONSE TO FIRST OFFICE ACTION

In response to the First Office action rejecting claims 1 and 5 of the application in view of Watkins, U.S. Pat. No. 3,993,129. In the rejection, the examining attorney has specifically described Watkins as disclosing “an inlet port (56) in fluid communication with the shoulders of a conically-shaped piston (62), a horizontal discharge port (54) in fluid communication with the point of said conically-shaped piston through a vertical discharge channel (52), wherein the point of said conically-shaped piston is held in physical contact with and closes said discharge channel by tensioning means (66), wherein said tensioning means may be adjusted (via 70) to vary the pressure exerted by said tensioning means (66) on said conically-shaped piston (62).” For the following reasons, Applicants believe that the examining attorney is in error in this characterization of Watkins, and would respectfully suggest that reconsideration of this rejection would be appropriate.

At the outset, the embodiment of Watkins which the examining attorney appears to reference is that as shown and described in Figures 1-4 of the Watkins reference. However, the main embodiment of the Watkins reference cannot function in a manner similar to the instant invention as suggested by the examiner. Initially, Applicants note that the examining attorney has referred to element 56 of Watkins as an “inlet” and element 52 of Watkins as a “vertical discharge channel,” in comparison with the terminology used in the instant application. However, the terminology of Watkins for the following three elements demonstrates the variation between how the Watkins invention

operates and the instant invention: Watkins describes 52 as a “port,” 54 as a “fluid inlet passageway” and 56 as a “fluid outlet passageway.” Referring to Fig. 2 of Watkins, it is clear from this description that the outside pressure acts through the fluid inlet passageway 54 and the port 52 on the tip of the valve element 62 (suggested by the examiner to be the equivalent of piston 110 in the instant invention), which is tensioned by a spring 64 and a pressurized chamber 70. When the exterior well downhole pressure overcomes a predetermined value set by the pressure in the chamber 70, the valve is forced back, allowing fluid to flow *in* through the port 52 and then *out* through the fluid outlet passageway 56. This is precisely *opposite* the functionality of the invention in the instant application and, in fact, the fluid outlet passageway 56 can never serve as a fluid inlet as suggested by the examiner. Specifically, the fluid outlet passageway 56 opens into the chamber containing valve element 62, but *does not* exert pressure on valve element 62. As such, valve element 62 may never be actuated to provide a flow of fluid from the fluid outlet passageway 56 to the port 52, and is therefore markedly different in function than the instant invention. The prior Watkins invention also differs from the instant invention inasmuch as it has *two* tensioning means, both of which serve to keep the valve element in place against the well downhole pressure: a spring 64 and the pressurized chamber 70.

By contrast, the instant invention operates principally by balancing the combined hydrostatic column pressure of a column of chemical to be injected contained within a tubing string and the well downhole pressure against a preset tension. This is accomplished by allowing the hydrostatic column pressure to act upon the large surface area provided by the shoulders of the piston 110 (through the inlet port 132 and inlet

channels 134), with the downhole well pressure acting upon the limited surface area of the tip of the piston 110. The hydrostatic column pressure acts upon the shoulders of the piston 110 due to the seal maintained between the piston 110 and the body of the apparatus which also forms the spring housing 110. Due to the large difference in surface area between the shoulders and the tip of the conical piston 110, the tensioning means 112 may be adjusted with set screws to a specific value to counteract the hydrostatic column pressure of fluid in the tubing string of which the instant apparatus forms the terminus. The downhole well pressure, which may fluctuate, exerts a negligible force on the piston in comparison to the hydrostatic column pressure and the tensioning pressure, and therefore cannot actuate the piston as in the Watkins reference.

For these reasons, the examining attorney should reconsider and withdraw the rejection in this case.

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6 March 2007

United States Patent & Trademark Office
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Re: Naizer, et al.
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Art Unit 3672
Examiner: Thompson, Kenneth L.

To Whom It May Concern:

Enclosed with respect to the above referenced application please find our Petition to Revive along with the applicable fee as well as our response to the outstanding office action in this case.

If there are any questions or problems, please contact me at your convenience.

Sincerely,

HURLEY & GUINN

BY: 
AARON R. CLEMENTS